

NATURAL RESOURCES COMMISSION

May 13, 2014 Meeting Minutes

MEMBERS PRESENT

Bryan Poynter, Chair
Jane Ann Stautz, Vice Chair
Cameron Clark, Secretary
Kent Abernathy
Patrick Early
R. T. Green
Phil French
Jake Oakman

NATURAL RESOURCES COMMISSION STAFF PRESENT

Stephen Lucas
Sandy Jensen
Jennifer Kane

DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT

John Davis	Executive Office
Chris Smith	Executive Office
Mike Smith	Executive Office
Phil Bloom	Communications
Brian Breidert	Fish and Wildlife
Steve Hunter	Law Enforcement
Tom Torsell	Law Enforcement
John Bacone	Nature Preserves
Maggie Byrne	Nature Preserves
Dorreen Carey	Nature Preserves (Coastal Program)
Margaret Palicka	Nature Preserves (Coastal Program)
Dan Bortner	State Parks and Reservoirs
Brandt Baughman	State Parks and Reservoirs
Jim Hebenstreit	Water
Monique Riggs	Water
Mark Basch	Water

GUESTS PRESENT

Lynn Dennis	Jenny Orsburn
Ken Purze	Erin Huang
Geof Benson	Charlotte Read
Sandy O'Brien	

Bryan Poynter, Chair, called to order the regular meeting of the Natural Resources Commission at 6:30 p.m., CDT, on May 13 at Indiana Dunes State Park, Nature Center, 1600 North 25 East, Chesterton. With the presence of eight members, the Chair observed a quorum.

The Chair recognized Jake Oakman, Director of Communications and Media Relations, as proxy for Mark Newman, Director of the Indiana Office of Tourism Development. Oakman reflected, "I'm happy to come up in [Newman's] place and get out of Indianapolis and see one of our great attractions in the state, so thanks for having me." The Chair also recognized Kent Abernathy, proxy for Indiana Department of Environmental Management, Commissioner Thomas Easterly.

Steve Lucas, Director of the Division of Hearings, noted the draft March 18 minutes do not identify whether the Commission action on Administrative Cause Number 13-080W was for preliminary adoption or final adoption of a rule proposal. The Commission action was for preliminary adoption. For clarification, he recommended technical amendments to the item heading (bottom of page four) and to the corresponding motion (bottom of page five):

Consideration **of request for preliminary adoption** of amendments to 312 IAC 12-2 that provides standards for water well drillers and water well pump installers; Administrative Cause No. 13-080W....

Doug Grant moved to ~~approve~~ **give preliminary adoption to** the amendments to 312 IAC 12-2 that provides standards for water well drillers and water well pump installers. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Kent Abernathy moved to approve the minutes, with the technical amendments, for the meeting held in March. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

The Chair called upon Brandt Baughman, Property Manager at Indiana Dunes State Park, to provide background concerning the park and the tour prior to the meeting.

Baughman introduced himself and Doug Stukey, the Assistant Property Manager. "Welcome to our park. As usual, we have a lot going on." Newer projects include the long-shore migration Bird Observation Platform that was funded partially by the Lake Michigan Coastal Program and significantly by private donations. The tour included the new picnic area "which is a fantastic improvement over the old one". Also included were the "day-lighting project" for Dunes Creek, an innovative new wastewater treatment plant, and the DK Trail. "A lot of great partnerships were involved in all these projects," notably with the Town of Porter, the Regional Development Authority, the Lake Michigan Coastal Program, and the Division of Nature Preserves. "We're appreciative of all the work by our partners, and we welcome you all to come out any time. I'd love to show you personally around if you didn't get a chance to get with us this afternoon."

The Chair thanked Baughman for providing information on the tour.

REPORTS OF THE DIRECTOR, DEPUTIES DIRECTOR, AND ADVISORY COUNCIL

Director Cameron Clark provided his report. "We are looking forward to the rehabilitation of the pavilion here in the park." He deferred to Dan Bortner, Director of the Division of State Parks and Reservoirs, to provide an update.

Dan Bortner said rehabilitating the pavilion would cost approximately \$6 million. “We’re looking forward to it and should have an agreement hopefully by the end of the month.”

Clark continued, “This is a private investment. The preliminary information we’ve heard is that the upper floor and the roof are going to be part of a higher-end, white table cloth restaurant. The ground floor will be a snack bar area and perhaps some other retail for patrons of the beach. There will be an addition of the existing pad to the west of the building.” Some preliminary work would begin in the summer with the hope of being in operation by 2015. “Plans that we’ve seen it’s pretty exciting in development of what will be there in about a year or year and a half.”

The Chair asked, “Was that the same vendor who we saw preliminarily at a commission meeting a year or so ago?”

Director Clark replied in the affirmative. “We had to get through some issues with FSSA which we recently got through with the help of a number people in DNR, Marian England being the architect of that deal. This week or next we’re sitting down to work out the terms of a lease for these folks so that once we get that signed they can take off and start the rehab.”

Clark said on May 15, 2014 is scheduled the “big fund raiser” for the Natural Resources Foundation. “This will be the third year that it’s taken place. It’s really the brain child of some locals in Fort Wayne, local businesses.” He said that Ducks Unlimited, National Wild Turkey Federation, and Safari Club have joined in coordinating and supporting this event. Governor Pence plans to attend. Past fund raisers have been very successful. “In the last two years I think they raised over \$200,000 for the acquisition of land in the northeast part of the state, trying to keep the money local. It’s been leveraged for the purchase of one piece of ground already and one that’s in the works. With leveraging, they’re averaging about \$1,100 an acre, which is bargain pricing. These folks over there have done a great job in helping us raise money for the Foundation to buy land in that area. It was recognized as a part of the state that really didn’t have as much public access ground as other parts of the state.” The cost to attend the fund-raising event is \$85, which includes dinner. There would also be a live and silent auction at the event. “We’re looking forward to its success as we’ve had in the last two years.”

John Davis, Deputy Director for the Bureau of Lands and Cultural Resources, provided his report. He said the Trine State Recreation Area dedication will take place on May 15 at 2:00 p.m. The area includes nearly 200 acres and is located east of Pokagon State Park and I-69. “It’s a tremendous story—a partnership, local effort, really heroic effort by Ralph and Sheri Trine, but lots of other people in northeastern Indiana. It should be a unique place to stay.” The dedication is open to the public. Governor Pence and Director Clark are scheduled to attend.

Chris Smith, Deputy Director for the Bureau of Water Resource and Regulation, provided his report. Smith reported he attended the Interstate Mining Compact Commission Conference recently. “On the final day, we were joined by the Federal Office of Surface Mining. Had a very spirited debate on funding issues for enforcement and reclamation.”

Smith said the Division of Historic Preservation and Archaeology received an award from the National Park Service. “We are the first state to complete our survey of National Register of Eligible Properties. It was a county-by-county survey, a partnership between the Division of

Historic Preservation and Archaeology and Indiana Landmarks and Architecture and Community Heritage, both of whom were also recognized.

Smith announced DNR would soon have two key retirements in his Bureau. Frank Curtis with Division of Historic Preservation and Archaeology, who runs the National Register Program, and Steve Herbert with Division of Reclamation, who runs the Abandoned Mine Land Program were both retiring the end of May. “A lot of knowledge going out the door with them. We’re getting ready to see a big turnover here in the next few years, and it’s going to be a challenge for us to replace some of those people who have been key parts of the Department for several years.”

Chairman Poynter asked Smith if the two positions were going to be filled.

Smith replied, “We are in the process of replacing them.”

CHAIR, VICE CHAIR, AND CHAIR OF ADVISORY COUNCIL

Updates on Commission, AOPA Committee, and Advisory Council

Patrick Early, Chair of the Advisory Council, reported the Advisory Council did not meet in April.

Jane Ann Stautz, Chair of the Commission’s AOPA Committee, said the Committee “has been very busy.” The AOPA Committee met twice since the March Commission meeting. “Our last meeting was in April with a couple of significant matters. And, most likely, there are several that will be before the Committee, in July, unless we need to meet earlier. I appreciate everybody’s work on the Committee in reviewing and preparing those matters.”

DNR, EXECUTIVE OFFICE

Consideration and identification of any topic appropriate for referral to the Advisory Council

Referrals to the Advisory Council are set forth in the discussion below for the *Consideration of report on rule processing, written comments, public hearings, DNR responses to public comments and hearing officer analyses, and hearing officer recommendations regarding final adoption of amendments to 312 IAC 6.2, pertaining to water management and regulation under the Great Lakes-St. Lawrence River Basin Water Resources Compact; LSA #13-335(F); Administrative Cause No. 12-089W.*

DNR, DIVISION OF NATURE PRESERVES

Consideration of the dedication of the Green’s Bluff Addition Nature Preserve in Owen County

John Bacone, Director of the Division of Nature Preserves, presented this item. Green’s Bluff Nature Preserve is a 462-acre property in southeastern portion Owen County. The nature preserve is a very high quality complex of forest, canyons containing a natural bridge and caves, a stand of hemlocks, and a number of rare species. The land was acquired “over a number of

years by The Nature Conservancy with assistance from the Indiana Heritage Trust.” He recommended the dedication of the Green’s Bluff Addition Nature Preserve.

Jane Ann Stautz moved to approve the dedication of the Green’s Bluff Addition Nature Preserve. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration of the dedication of the Coal Hollow Nature Preserve in Parke County

John Bacone also presented this item. He said the proposed nature preserve is a very unique area approximately 1.5 miles west of Turkey Run State Park. “This is a totally pristine sandstone gorge over 80 feet high covered with mosses and ferns and a very nice hemlock stand.” The proposed preserve is part of the Healthy Rivers Initiative, a significant conservation project along Sugar Creek with many partners. The nature preserve is part of a large forested stream corridor that includes Turkey Run State Park and the Covered Bridge State Forest. The tract is owned and managed by the DNR’s Division of Fish and Wildlife and Division of Nature Preserves. The tract was acquired with assistance of The Indiana Nature Conservancy and the Heritage Trust and with funding from the Healthy Rivers Initiative. Bacone said the Division of Nature Preserves recommended the dedication of Coal Hollow Nature Preserve.

Kent Abernathy moved to approve the dedication of Coal Hollow Nature Preserve. Patrick Early seconded the motion. Upon a voice vote, the motion carried.

Consideration of report on rule processing, written comments, public hearings, DNR responses to public comments and hearing officer analyses, and hearing officer recommendations regarding final adoption of amendments to 312 IAC 6.2, pertaining to water management and regulation under the Great Lakes-St. Lawrence River Basin Water Resources Compact; LSA #13-335(F); Administrative Cause No. 12-089W

Stephen Lucas, Hearing Officer, presented this item. He said for consideration was proposed final adoption of rules to assist with implementation of the Great Lakes Compact in Indiana. The subject is currently governed by a temporary rule, renewed and modified from prior temporary rules, the first of which became effective in 2011. The proposed final rule amends an embryonic rule that indicates this program and the Water Resources Development Act are administered through DNR’s Division of Water. Most of the provisions are new in terms of a permanent rule, although many provisions are similar to the current temporary rule.

Lucas said the Compact is both Federal law and State law. The Compact is Public Law 110-342 in terms of Federal law and was approved by Congress and signed by the President upon approval by the eight Great Lakes States and consent by the U.S. Congress. The Compact in Indiana, including augmentation by the Indiana General Assembly, is codified in IC 14-25-15.

Lucas said the Compact is an ambitious initiative among the eight Great Lake States and through a side agreement with the provinces of Ontario and Québec. “If this ambitious regional project is successful, it would be a long process.” The proposed recommendations are the first step as far as rule adoption from the Commission. “The Commission may be looking at modifications both to the legislation and proposed modifications to the rules for years to come.”

Lucas reported public hearings for the rule proposal were conducted in Indianapolis, Portage, South Bend, and Fort Wayne. “Thoughtful and helpful suggestions” were received from disparate public perspectives. He took a conservative approach to making modifications. “It seems to me that it’s critical a permanent rule be put in place, but with the understanding there will be changes in the future. I was reticent to make modifications that might not be viewed as a ‘logical outgrowth’ by the Attorney General, although I hasten to add the Attorney General will determine what is or is not a logical outgrowth.”

Lucas continued, “I also tried to be sensitive to the requirement we have fiscal analyses that cover the rule proposal. In the latter context, there was public interest in having additional listed ‘salmonid streams’. The state legislation identified a few salmonid streams and gave the Commission the ability, by rule, to add to the list. But the draft that was presented for preliminary adoption did not include anything other than what was already included in the statute, so there was no fiscal impact caused by the proposed rule. If the Commission were to add different streams, there would be a fiscal impact. I don’t know whether it would be a big fiscal impact or a small one, but the problem is there has been no consideration of impact at all. We could immediately get into a problem with respect to OMB and the Governor’s Executive Order regarding fiscals if salmonid streams were added without fiscal consideration.” Also, the Indiana statute provides that if the Commission adopts a rule to add a salmonid stream, “it shall do so in consultation with the U.S. Fish and Wildlife Service.” The record does not disclose consultation has occurred.

Lucas suggested that a process be established to review the propriety of adding salmonid streams. The process “would go through the Advisory Council to be refined going forward with the assurance of a science-based definition for a salmonid stream. Included would be the expertise of the Division of Fish and Wildlife, and particularly its fisheries biologists who focus on the Indiana portion of the Great Lakes Basin. He made recommendations regarding rule language to be given final adoption and separate recommendations for referrals to the Advisory Council. The latter are directed most prominently to salmonid streams but include other matters. “I would offer that if the Commission is favorably disposed to these recommendations, final adoption of the rule should probably be one vote, and referral to the Advisory Council a second vote.”

Lucas thanked Jennifer Kane, Mark Basch, Monique Riggs, Jim Hebenstreit, Chris Smith (and before Chris, Ron McAhron), and Allison Mann with their help in drafting the rules and in preparing responses to public comments.

The Chair reflected, “That was by far one of the most precise consensus summaries that we could have had for a very complicated matter. I thank you for that. This was first brought to light regarding the Compact back in 2008. We’ve passed preliminary adoption of the initial rule back in 2012. This is a pretty significant event not only for the State of Indiana but for the entire Great Lakes Basin.”

Jane Ann Stautz moved to approve the final adoption of amendments to 312 IAC 6.2, pertaining to water management and regulation under the Great Lakes–St. Lawrence River Basin Water

Resources Compact, as outlined and recommended by the Hearing Officer. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

R. T. Green moved to refer for further consideration by and advice from the Advisory Council, including participation by the DNR, the U.S. Fish and Wildlife Service, and interested members of the public:

(A) To help develop a science-based and legally objective approach to considering additions of salmonid streams to those considered in 312 IAC 6.2, the following is suggested:

The DNR's Division of Fish and Wildlife shall articulate a proposed definition for a "salmonid stream". In particular, the expertise of the Division's fisheries biologists would be applied. The listed streams and those already identified by the Indiana General Assembly could be expected to have characteristics common to salmonid streams.

The proposed definition for salmonid stream would be tendered to Advisory Council by January 1, 2015 for public discussion and the development of recommendations. The recommendations may include a nonrule policy document or rule to describe or define the characteristics of a salmonid stream. The recommendations may also include the addition of a particular stream or streams in addition to those described in the proposed rule. The streams identified by Matt Buffington, as referenced in the Hearing Officer report, should be among those discussed. Before recommending any rule amendment, the Advisory Council would provide the U.S. Fish and Wildlife Service a reasonable opportunity to offer input.

If the addition of a stream is recommended by the Advisory Council following public discussion and input from the U.S. Fish and Wildlife Service, the DNR would prepare and submit fiscal analyses to the Office of Management and Budget. If OMB approves the fiscal analyses, the recommendation for the addition of a stream would be submitted to the Commission for consideration as to preliminary adoption.

If the Advisory Council endorses a definition or description of the characteristics of a salmonid stream, without recommending the addition of a particular stream, the definition or description may be submitted to the Commission for consideration as a nonrule policy document.

(B) By July 1, 2015, the Division of Water would report to the Advisory Council concerning the success of water conservation and efficiency measures provided under the rule. An opportunity for public comments would be provided. Following review of the report and consideration of public comments, the Advisory Council would make any recommendations it determined appropriate to the Department and to the Commission with respect to the development of metrics, a nonrule policy document, or a rule amendment.

(C) Any other topic pertaining to rules or nonrule policy documents to assist with Indiana's implementation of the Compact that the Advisory Council determines appropriate for review and recommendation to the Commission.

Jake Oakman seconded the motion. Upon a voice vote, the motion carried.

The Chair added, "Congratulations to all who worked extraordinarily hard on this. As a matter of reference, do the other states go through the same process, and are we ahead of that curve or behind that curve as it pertains to the State issues?"

Jim Hebenstreit answered, “It’s hard to say. Several States have permitting systems in place already.”

The Chair added, “Thank you for your leadership on this. You’ve been working on this for a long time, Jim. Thank you for your guidance.”

Consideration of report of rule processing, written comments, comments at public hearing, and hearing officer analysis with recommendations regarding final adoption of amendments to 312 IAC 5-8-2 and 312 IAC 5-8-3 governing boating restrictions on designated portions of Lake Michigan for public and navigational safety; LSA #14-25(F); Administrative Cause No. 14-017L

Steve Lucas, Hearing Officer, presented this item. For consideration was final adoption of amendments to three restricted boating zones in Lake Michigan. The proposed amendments to 312 IAC 5-8-2 would modify the existing no-boat zones, adjacent to the Jeorse Park Beach in East Chicago and to the Marquette Park Beach in Gary, to conform to improvements and changed shorelines. The no-boat zone in Joerse Park would be relocated to accommodate the accumulation of sand caused by the placement of the breakwater to protect the Ameristar Casino gaming boat. The no-boat zone rule description at Marquette Park Beach is not modified because the rule description is based on the parameters of a parking lot, and the no-boat zone has expanded consistently with expansion of the parking lot. “We included the reference to the Marquette Park no-boat zone in the rule to support public understanding and transparency, as well as to provide an opportunity for public comment if a citizen wished.” The amendments to 312 IAC 5-8-3 would modify the no-boat zone adjacent to the Indiana Dunes State Park to accommodate a kayak and canoe corridor. “With the amendments, kayakers could come into the park through that site and do so lawfully.” In all three situations, the amendments would make the rules consistent in law with how the areas were managed in fact in 2013.

Lucas said the kayak corridor at Indiana Dunes State Park supports Indiana participation in the Lake Michigan Water Trail, designated by the U.S. Department of Interior, and in the Northwest Indiana Regional Planning Commission’s Regional Greenways and Blueways Plan. The area would be buoyed to identify the corridor. He deferred to Brandt Baughman, Property Manager.

Baughman reflected, “They are basically just pencil buoys that are labeled ‘Kayaks Only’, even though we allow any non-motorized boat.”

Lucas continued, “Lieutenant Tom Torsell and his Conservation Officers in District 10 were critical in promoting the communications to the East Chicago and Gary professionals to get a consensus on how these situations should be handled. That’s not always an easy task.” He also thanked Baughman and Lieutenant Colonel Steve Hunter for their assistance.

Lucas recommended amendments to the three restricted boat zones for final adoption in the form previously given preliminary adoption.

R. T. Green recommended final adoption of the amendments to 312 IAC 5-8-2 and 312 IAC 5-8-3, governing boating restrictions on designated portions of Lake Michigan for public and

navigational safety, as published for preliminary adoption. Jane Ann Stautz seconded the motion. Upon a voice vote, the motion carried.

Consideration of resolution to approve ingress and egress site at Indiana Dunes State Park for kayaks and canoes; Administrative Cause No. 14-059P

Steve Lucas also introduced this item. He said “it was really a follow-up to the last item with respect to the ingress and egress.” He deferred to Lieutenant Tom Torsell to offer background.

Lt. Torsell stated, “This has to do with consistency. We have a property regulation that dictates where you can enter the park. This had to do with a follow-up on an additional entrance to the park. It also had to do with the coordination with an already established kayak trail along the Lake Michigan shoreline.” Park professionals and our Conservation Officers need to know how to implement enforcement with respect to entering and leaving the park. “We need to provide a consistent message to our citizens.”

R. T. Green moved to approve the resolution for ingress and egress site at Indiana Dunes State Park for kayaks and canoes:

A person with a kayak or canoe may enter or exit Indiana Dunes State Park through the channel for kayaks and canoes established in 312 IAC 5-8-3. A person entering the park at this location is responsible for the same fee as is required for entry into the park by bicycle.

Kent Abernathy seconded the motion. Upon a voice vote, the motion carried.

John Davis added, “We’re trying to have all of our parks have lots of access, trail access, kayak access, bicycle access, and to support growing opportunities and demands for recreation that are sought by members of the public that use our facilities. But every time we do that we trade off the ability to make sure we charge for use to help support the costs of maintaining the facilities. We want to have everybody geared to tell kayakers, bicyclists, hikers, all the people that are coming in not through the main gate, that they must have a pass.”

Consideration of report of rule processing, written comments, comments at public hearing, and hearing officer analysis with recommendations regarding final adoption of new rule 312 IAC 26-6 establishing and administering the distribution of grants from the Indiana Sportsmen’s Benevolence Account; LSA #13-446(F); Administrative Cause No.13-112L

Jennifer Kane, Hearing Officer, presented this item. The Sportsmen’s Benevolence Account was established in 2010, codified at IC 14-9-5-4, as a fund within the Division of Law Enforcement, to encourage citizen participation in feeding the state's hungry through donations of wild game that has been lawfully hunted. Effective July 1, 2013, SEA 364 (P.L. 124-2013) amended IC 14-9-5-4 to provide a system of grants and other support for the Account. Kane said proposed rule, 312 IAC 26-6, would provide the process for application of grants and subsequent disbursement of those funds to reimburse the processing costs incurred by the wild game processor to produce the food products, in this instance, deer. The qualified organizations would be responsible for picking up the processed venison and provide the food products to Indiana’s food banks for distribution to Indiana’s needy.

Kane noted that during the 2013-2014 fiscal year, the Division of Law Enforcement administered the program under an emergency rule, LSA Document #13-441(E). The emergency rule became effective in October 2013, which shortened the grant application period. Kane noted that for the current fiscal year, a total of \$93,271 was dispersed through the grant program with 269,892 meals (1 pound protein=1 meal for family of 4) provided. The Indiana General Assembly established a \$150,000 funding amount. Kane said the Division of Law Enforcement foresees making disbursements of the full \$150,000 (to include administrative costs) in 2014-2015 grant period. She said that as required by statute any balance in the Sportsmen's Benevolence Account at the end of any fiscal year does not revert to the state general fund, but would accumulate for the next fiscal period. Kane recommended final adoption of the proposed new rule, 312 IAC 26-2.

Vice Chair Jane Ann Stautz asked if there were plans for promotion that would help "highlight the contributions and the work that is being done to help the families in Indiana. I think it's a great program."

Phil Bloom, Director of the Division of Communications, responded his office has promoted the program and would continue to provide public information.

Stautz moved to approve final adoption of 312 IAC 26-6, governing the Sportsmen's Benevolence Account, as presented. R.T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration of recommendation for final action on readoption of 312 IAC 9 governing fish and wildlife; LSA Document #14-17(F); Administrative Cause No. 14-005D

The Chair explained this agenda item and the following two agenda items would be grouped together for efficiency.

Sandra Jensen, Hearing Officer, presented this item. For consideration are the final action on readoption of three rule articles: (1) 312 IAC 9, governing fish and wildlife [this agenda item]; (2) 312 IAC 2 providing procedures and delegations of the Commission and other related boards [Agenda Item 10]; and (3) 312 IAC 3 governing adjudicatory proceedings [Agenda Item 11]. Notices of Intent to Readopt were posted in January and February of 2014. No public comments were received concerning any of the proposed readoptions. Fiscal analyses for each were prepared and approved by the State Budget Agency. Readoptions would allow the rules to continue in effect for another seven years.

Jensen added the Division of Fish and Wildlife was actively working on its biennial review and would likely offer proposed rule amendments in July or September. Having readoption of 312 IAC 9 completed "will pave the way to do that very cleanly." Similarly, 2014 statutory changes "may wind up creating the need for amendments to 312 IAC 3, and so this would pave the way for those as well." She offered 312 IAC 3 [this agenda item], 312 IAC 2 [Agenda Item 10] and 312 IAC 9 [Agenda Item 11] for consideration of final action on readoption.

Jake Abernathy moved to approve readoption of 312 IAC 9 in its entirety without amendment. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration of recommendation for final action on readoption of 312 IAC 2 providing procedures and delegations of the Commission and other related boards; LSA Document #14-27(F); Administrative Cause No. 14-001A

[See discussion of previous agenda item.]

Jake Abernathy moved to approve readoption of 312 IAC 2 in its entirety without amendment. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Consideration of recommendation for final action on readoption of 312 IAC 3 governing adjudicatory proceedings; LSA Document #14-27(F); Administrative Cause No. 14-002A

[See discussion of previous agenda item.]

Jake Abernathy moved to approve readoption of 312 IAC 3 in its entirety without amendment. R. T. Green seconded the motion. Upon a voice vote, the motion carried.

Information Item: Overview of application to the Commission of AOPA and Rule Adoption Amendments in P.L. 72-2014 (HEA 1121)

The Chair tabled this item deferring presentation and discussion until the Commission's July 15, 2014 meeting.

Kankakee River Basin Commission Informal Update

At the invitation of the Bryan Poynter, Ken Purze, Vice Chair of the Kankakee River Basin Commission (the "KRBC"), addressed the Commission. "I'm here really just to say 'thank you' to the Commission for coming to Northwest Indiana. While we appreciate our partners here at Lake Michigan, we don't want you to forget about the Kankakee River."

Purze said the KRBC represents "eight counties that stretch all across the northwestern part of the state. I just wanted to share with you some new things that have occurred that were really exciting for me." With the roots of the KRBC in drainage boards, "when I got on the Board, we" and the DNR tended "to butt heads and not get along too well. But we have really forged some new relationships and different methodologies in our thinking. For example, last weekend our LaPorte County surveyor with the LaPorte boat was out at the Northwest Indiana Paddlers overnight site, which is on the Kankakee River, doing the spring cleanup. It's a primitive site that we partnered with the DNR, because the ground is leased to the LaPorte County Parks Department from the DNR and our Parks Department, the Drainage Board, the River Basin Commission and the Northwest Indiana Paddlers." The overnight site "is a primitive site, river access only, and it's really for recreation and tourism. The site is booked solid for the upcoming Memorial Day weekend. We can only have twelve overnight campers there. But because word has gotten out that we've done this, and it's available," the interest has grown. "We've used

state funds to keep the river free of debris, and the canoers and the kayakers and the paddlers can get out. We now have it booked solid for the holiday weekend, and we're told that these are tourists that are coming from outside of the area. I'm pleased to share that with you. Also, to let you know that we have a farmer here in Porter County [a KRBC Board member and soil and water conservation district supervisor], and his son have offered a site to establish an overnight site similar to what we have in LaPorte County here in Porter County." He added, "We're working on some other very progressive projects" between the KRBC and IDEM "to be more water quality driven and managing water quality. We just wanted to let this board know about that. Again, we appreciate you coming to Northwest Indiana."

The Chair reflected, "Thank you, Ken. We appreciate all you've done."

John Davis added, "I think a lot of the advancement with the KRCB and the partnership with DNR is because of Ken's efforts and leadership. It has been great to watch. Thank you, Ken."

Welcome by Town of Beverly Shores and Northwest Indiana Regional Plan Commission (NIRPC)

At the Chair's invitation, Jeff Benson, Town Council President of Beverly Shores and a NIRPC Commissioner, spoke. "I'm speaking to welcome you to Northwest Indiana. Thank you for bringing your Commission meeting up here for all of us to attend. We appreciate you being here. I partner with almost everybody in the room on some level or another—with your DNR, Brandt Baughman, Maggie Palicka, the Kankakee River Basin Commission, and the Lake Michigan Coastal Program. Thank you, very much."

The Chair expressed his appreciation for the warm welcome.

Introduction to Trail Creek Lamprey Barrier Tour on May 14

Brian Breidert, Lake Michigan Fisheries Research Biologist and Manager of DNR's Lake Michigan Headquarters in Michigan City, provided an overview of the next morning's tour. He offered to take Commission members and their guests from the Blue Chip Casino to the site but indicated there was also some opportunity for parking at the site. He distributed packets for the tour.

Adjournment

The meeting was adjourned at approximately 7:30 p.m., CDT.